

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6313**

**BILL NUMBER:** HB 1118

**NOTE PREPARED:** Jan 30, 2015

**BILL AMENDED:**

**SUBJECT:** Commitment to the Department of Correction.

**FIRST AUTHOR:** Rep. Steuerwald

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides that, after June 30, 2016, a court may not commit a person convicted of a Level 6 felony to the Department of Correction (DOC) if the person's earliest possible release date is less than 366 days from the date of sentencing. (Under current law, the date is June 30, 2015.)

**Effective Date:** July 1, 2015.

**Explanation of State Expenditures:** (Revised) This provision could increase full-time-equivalent (FTE) offenders in Department of Correction (DOC) facilities by between 824 and 1,157 during FY 2016. While DOC would avoid payments to county sheriffs, it will increase its expenditures for offenders who would be in DOC facilities rather than in county jails.

The average expenditure to house an adult offender was \$19,497 in FY 2014. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,210 annually, or \$8.77 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$89,956 in FY 2014.

*Payments to County Sheriffs* - This bill could result in potential savings in payments to county sheriffs of between \$10.5 M and \$14.8 M. If offenders remain incarcerated in county jails instead of being released on probation or other supervision, this provision would reduce the per diem payments that DOC would pay to county sheriffs under IC 35-38-3-3(e). This estimate is based on an annual cost of \$12,775 per offender for a full year.

*Additional Information* – Under current law, Level 6 offenders with a calculated length of stay (LOS) of more than 91 days may not be committed to DOC between July 1, 2014, and June 30, 2015. Beginning July 1, 2014, the prohibition increases to offenders with an LOS less than 366 days.

Extending this 91-day prohibition until June 30, 2016, and beginning the 366-day prohibition on July 1, 2016, is estimated to increase the number of offender FTEs in DOC facilities by between 824 and 1,157 for FY 2016.

LSA used commitment data between CY 2008 and 2013 to estimate the number of offenders who would have calculated lengths of stay of between 90 days and 365 days.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** This bill would reduce the number of offender FTEs who have been convicted of a Level 6 felony but would have remained at the local level by between 824 and 1,157 resulting in reduced revenue for per diem payments from the state General Fund of between \$10.5 M and \$14.8 M.

LSA used commitment data between CY 2008 and CY 2013 to estimate the average number of offenders who would not remain in county jails because their length of stay is between 91 and 365 days.

<b>Counties Affected by Commitment Delay</b>	
<b>Number of Offender FTEs In County Jails with LOS Between 91 and 365 Days</b>	<b>Number of Counties</b>
Fewer than 5 offenders	55
Between 5 and 10 offenders	13
Between 10 and 20 offenders	13
Between 20 and 50 offenders	8
Between 50 and 100 offenders	2
More than 100 offenders	1
Total Counties	92

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** County sheriffs and county jails.

**Information Sources:** Department of Correction offender information system.

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